

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

---

UNITED STATES OF AMERICA,

-vs-

JOSEPH P. KERWAN,

Defendant.

---

No. 10-CR-

**INFORMATION**

(Misdemeanor)

**Violation:**

29 U.S.C. § 439(c)

**COUNT I**

**The United States Attorney Charges:**

At all times material to this Information, Sheet Metal Workers Local Union 112 was a labor organization engaged in an industry affecting commerce, subject to the Labor Management Reporting and Disclosure Act of 1959, Title 29, United States Code, Section 401, et seq., and required to file an annual financial report with the Secretary of Labor.

Between or about January 2006 and June 2008, in the Western District of New York, the defendant, JOSEPH P. KERWAN, did willfully make a false entry in and withhold records required to be kept pursuant to Title 29, United States Code, Section 436, that is, records related to vouchers and supporting receipts, as well as requests for reimbursement, which were required to be maintained by the defendant and reported in the annual financial report of the Sheet Metal Workers Local Union 112, which must be filed with the

Secretary of Labor.

**All in violation of Title 29, United States Code, Section  
439(c) .**

DATED: Rochester, New York, May 6, 2010.

WILLIAM J. HOCHUL, JR.  
United States Attorney  
Western District of New York

BY: s/Marisa J. Miller  
MARISA J. MILLER  
Assistant United States Attorney